

EXHIBIT K

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THE WIMBLEDON FUND, SPC (CLASS)
TT),)
)
PLAINTIFFS,)
)
VS.) CASE NO.
) 2:15-CV-6633-CAS-ASJWx
)
GRAYBOX LLC; INTEGRATED)
ADMINISTRATION; EUGENE SCHER, AS)
TRUSTEE OF BERGSTEIN TRUST; AND)
CASCADE TECHNOLOGIES CORP.,)
)
DEFENDANTS.)
)

VIDEOTAPED DEPOSITION OF KIARASH JAM

TAKEN ON

WEDNESDAY, MARCH 27, 2019

Sandra Mitchell
C.S.R. 12553

Page 147

13:23:02 1 filing we completed in the U.K. was to allocate
2 additional shares to Swartz IP Services, Inc., for which
3 I understand you are an officer."

4 Did I read that correctly?

13:23:12 5 A Yes.

6 Q She goes on to state, "The English company for
7 which we were filing is Pagoda 2 Limited. Effectively,
8 there are two layers of companies: Pagoda 2 Limited and
9 Swartz IP Services, Inc."

13:23:26 10 Did I read that correctly?

11 A You did.

12 Q She goes on to say, "Since we have a U.K.
13 limited company that is limited by shares, any potential
14 liability you as a shareholder may have is in any way of
13:23:37 15 the capital you may have invested in Swartz IP Services
16 Inc."

17 Did I read that correctly?

18 A Yes, you did.

19 Q What did you understand that to be indicating
13:23:46 20 with respect to your personal potential liability?

21 A I don't remember what I thought at the time.

22 Q She goes on, "As far as personal liability, it
23 should not be an issue because your personal assets are
24 not involved, only what you have invested in Swartz IP
13:24:03 25 Services, which could be at risk."

13:24:04 1 Did I read that correctly?

2 A Yes, you did.

3 Q And what did you understand her to mean when
4 she wrote that to you?

13:24:11 5 A I don't remember if at the time. It just -- I
6 probably read it and said, okay, I don't have any
7 personal liability in the U.K. entity that she was
8 forming.

9 Q Now, when she says, as far as personal
13:24:19 10 liability, it should not be an issue because your
11 personal assets are not involved, only what you may have
12 invested in Swartz IP Services, which could be at risk,
13 what had you invested in Swartz IP Services prior to
14 April 10, 2012?

13:24:34 15 A Nothing.

16 Q So you understood when you read that that you,
17 therefore, had nothing at risk, according to
18 Ms. Stagner?

19 MR. WIECHERT: Assumes facts not in evidence.

13:24:43 20 No foundation.

21 THE WITNESS: According to what she says in the
22 U.K. company, yes, I would have no risk.

23 BY MR. WALKER:

24 Q Because you knew that you had never invested a
13:24:50 25 dime in Swartz IP; correct?

Page 149

13:24:50 1 A I had not invested money in Swartz IP.
2 Q And you thank her for her response to your
3 questions; correct?

4 A Yes, sir.

13:25:03 5 Q Let me hand you what's been marked as
6 Exhibit 21.

7 (Exhibit 21 was marked for
8 identification by the Court Reporter
9 and is attached hereto.)

13:25:13 10 THE WITNESS: Okay.

11 BY MR. WALKER:

12 Q This is an e-mail from David Bergstein to you
13 and Frymi Biedak; correct?

14 A Yes, sir.

13:25:23 15 Q Dated April 16, 2012?

16 A Yes, sir.

17 Q And he says, "Please wire \$20,000 from IA to
18 Jerry Swartz."

19 Did I read that correctly?

13:25:31 20 A Yes, sir.

21 Q And so you understood IA to be referencing your
22 company, Integrated Administration?

23 A That is correct.

24 Q Why was \$20,000 going from your company,

13:25:40 25 Integrated Administration, to Jerry Swartz?